

KEVIN V. RYAN (CSBN 118321)
United States Attorney

JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division

STEVEN J. SALTIEL (CSBN 202292)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6996
FAX: (415) 436-6748

Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COMMUNITY HOSPITAL OF THE
MONTEREY PENINSULA,

Plaintiff,

v.

MICHAEL O. LEAVITT, Secretary of the
United States Department of Health and
Human Services,

Defendant.

No. C 06-3302 JW RS

**STIPULATION REQUESTING
CONTINUANCE OF INITIAL CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES; ~~PROPOSED~~
ORDER**

THE PARTIES HEREBY STIPULATE AND JOINTLY REQUEST, pursuant to Civil L.R.
7-12 and 16-2(e), through their undersigned counsel, that the initial Case Management
Conference, currently scheduled for October 16, 2006, be continued until December 18, 2006 at
10:00 a.m., and that the related deadlines be continued as set forth below. A proposed order is
submitted herewith. This joint request is based on the following:

1. This action was commenced on May 19, 2006. Defendant was served on July 17, 2006.
The complaint seeks judicial review of a decision by the Secretary of Health and Human Services
based upon an administrative record.

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STIPULATION REQUESTING CONTINUANCE
No. C 06-3302 JW RS

2. On August 18, 2006, the parties submitted a stipulation, pursuant to Civil L.R. 6-1(a), extending the defendant's time to answer the complaint until October 30, 2006. On September 18, 2006, this Court approved the August 18, 2006 Stipulation.

3. Pursuant to Fed. R. Civ. P. 26(a)(1)(E)(i), this case is exempt from initial disclosure requirements. As an action for review on an administrative record, the parties anticipate that the case will be resolved through a motion and cross-motion for summary judgment to be heard pursuant to a mutually agreeable briefing and hearing schedule, subject to the Court's approval.

4. The parties jointly seek a continuance that allows for a sufficient amount of time after the filing of the answer to consider, and meet and confer on, the identification of issues in the case and an appropriate briefing schedule. Accordingly, the parties respectfully request that the Court continue the initial Case Management Conference and related deadlines as follows:

November 27, 2006: Last day to meet and confer regarding early settlement and ADR process selection; file ADR Certification; file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

December 11, 2006: File Joint Case Management Statement.

December 18, 2006: Initial Case Management Conference in Courtroom 8, 4th Floor, San Jose, at 10:00 a.m.

DATED: September 20, 2006

Respectfully submitted,

KEVIN V. RYAN
United States Attorney

/s/
STEVEN J. SALTIEL
Assistant United States Attorney

DATED: September 20 2006

HOOVER, LUNDY & BOOKMAN, INC.

/s/
JON P. NEUSTADTER
Attorneys for Plaintiffs

[PROPOSED] ORDER

Good cause having been shown, IT IS HEREBY ORDERED THAT the Initial Case Management Conference and related deadlines are continued as follows:

November 27, 2006: Last day to meet and confer regarding early settlement and ADR process selection; file ADR Certification; file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

December 11, 2006: File Joint Case Management Statement.

December 18, 2006: Initial Case Management Conference in Courtroom 8, 4th Floor, San Jose, at 10:00 a.m.

IT IS SO ORDERED.

DATED: September 20th, 2006


HON. JAMES WARE
United States District Judge